THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25275 OF 2005

DATED:28.11.2005

Between:

Smt. Pidiguralla Seshamma

…Petitioner

And

The District Collector (Panchayat Wing)

Guntur, Guntur District and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25275 OF 2005

ORDER:

The petitioner is Sarpanch of Kotanemalipuri Village of Rajupalem Mandal, Guntur District. By proceedings dt.8.11.2005 the first respondent purporting to exercise powers under Section 249(6) of the A.P.Panchayat Raj Act, 1994 placed the petitioner under suspension and further directed the petitioner to handover the records, properties, moneys belonging to the Gram Panchayat, to Upa-Sarpanch. The Upa-Sarpanch was directed to take charge from the Sarpanch and relieve her from the office. Assailing the said proceedings, present Writ Petition is filed.

Learned counsel for the petitioner, Sri C.Pratap, vehemently contends that the petitioner has been placed under suspension on allegation that the petitioner has

drawn a sum of Rs.10,63,603/- from the Gram Panchayat and did not spend the amounts. He relies on the report alleged to have been submitted by the Panchayat Extension Officer on 7.10.2004 to the second respondent to the effect that the petitioner has spent the amount for developmental works. According to the learned counsel, the report of the Extension Officer was not taken into consideration while passing the suspension orders and therefore the same is arbitrary and illegal.

A reading of the impugned order would show that the first respondent issued a show cause notice dt.2.7.2005. The petitioner submitted explanation on 9.7.2005, which was forwarded to the Extension Officer of Panchayat Raj, Rajupalem. He submitted a report on 8.11.2005 alleging that the petitioner spent the drawn amount of Rs.10,00,000/- indiscriminately and failed to render account and therefore she allegedly misappropriated the funds. The report relied on by the petitioner is subsequent to the submission of explanation by the petitioner which was also referred to the Extension Officer who submitted report on 28.7.2004. It is not clear from the pleadings or the submissions as to why the Extension Officer, Rajupalem again submitted another report on 7.10.2004 to the second respondent and it is also not clear whether second report of the Extension Officer was placed before the District Collector. In this background, it is not possible to agree with the counsel for the petitioner. However, if so aggrieved, the petitioner may file a revision petition before the Government under Section 264 of the Act. Liberty is given to the petitioner to do so within a period of ten days from the date of receipt of a copy of this order. As and when such revision is filed, the Government shall consider the same and pass appropriate orders within a period of four weeks thereafter.

The Writ Petition with the above observations and directions is accordingly disposed of.

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(V.V.S.RAO, J)

28.11.2005

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